

AMENDED IN SENATE JUNE 16, 2003
AMENDED IN ASSEMBLY MAY 13, 2003
AMENDED IN ASSEMBLY APRIL 9, 2003
AMENDED IN ASSEMBLY MARCH 25, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1180

Introduced by Assembly Member Harman

February 21, 2003

An act to amend, repeal, and add Section 209 of the Code of Civil Procedure, relating to jurors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1180, as amended, Harman. Jury duty.

Under existing law, a prospective trial juror who has been summoned for jury service and fails to attend as directed or respond to the court may be compelled to attend, as specified. In addition, after an order to show cause hearing, the court may find the prospective juror in contempt of court, which is punishable by fine, incarceration, or both.

This bill would permit the court, in lieu of imposing penalties for contempt, to impose reasonable monetary sanctions of no more than \$250 for a first violation, \$500 for a 2nd violation, and \$1,000 for the 3rd or more violation, upon a prospective juror who has failed to respond *and who has not been excused*, after first providing the prospective juror with notice and an opportunity to be heard, as specified. The bill would express the intent of the Legislature that funds derived from the sanctions be allocated to the family and civil courts.

The bill would also require the Judicial Council to provide a procedure for prospective jurors against whom a sanction has been imposed by default to move to set aside the default. The bill would require the Judicial Council to report to the Legislature regarding the effects of implementing these provisions on or before December 31, 2005. The bill would also provide that its provisions shall remain effective until January 1, 2007, unless extended by statute. The bill would also make a clarifying change.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 209 of the Code of Civil Procedure is
2 amended to read:

3 209. (a) Any prospective trial juror who has been summoned
4 for service, and who fails to attend as directed or to respond to the
5 court or jury commissioner and to be excused from attendance,
6 may be attached and compelled to attend. Following an order to
7 show cause hearing, the court may find the prospective juror in
8 contempt of court, punishable by fine, incarceration, or both, as
9 otherwise provided by law.

10 (b) In lieu of imposing sanctions for contempt as set forth in
11 subdivision (a), the court may impose reasonable monetary
12 sanctions, as provided in this subdivision, *on a prospective juror*
13 *who has not been excused pursuant to Section 204* after first
14 providing the prospective juror with notice and an opportunity to
15 be heard. The court may give notice of its intent to impose
16 sanctions by either of the following means:

17 (1) Verbally to a prospective juror appearing in person in open
18 court.

19 (2) The issuance on its own motion of an order to show cause
20 requiring the prospective juror to demonstrate reasons for not
21 imposing sanctions. The court may serve the order to show cause
22 by certified or first-class mail.

23 The monetary sanctions imposed may not exceed two hundred
24 fifty dollars (\$250) for the first violation, five hundred dollars
25 (\$500) for the second violation, and one thousand dollars (\$1,000)
26 for the third or more violation. Notwithstanding any other
27 provision of law, the full amount of any sanction paid shall be

1 deposited in a special account in the county treasury and
2 transmitted from that account monthly to the Controller for deposit
3 in the Trial Court Trust Fund. It is the intent of the Legislature that
4 the funds derived from the monetary sanctions authorized in this
5 section be allocated to the family courts and the civil courts. The
6 Judicial Council shall, by rule, provide for a procedure by which
7 a prospective juror against whom a sanction has been imposed by
8 default may move to set aside the default.

9 (c) On or before December 31, 2005, the Judicial Council shall
10 report to the Legislature regarding the effects of the
11 implementation of subdivision (b). The report shall include, but
12 not be limited to, information regarding any change in rates of
13 response to juror summons, the amount of moneys collected
14 pursuant to subdivision (b), the efficacy of the default procedures
15 adopted in rules of court, and how, if at all, the Legislature may
16 wish to alter this chapter to further attainment of its objectives.

17 (d) This section shall remain in effect only until January 1,
18 2007, and as of that date is repealed, unless a later enacted statute,
19 that is enacted before January 1, 2007, deletes or extends that date.

20 SEC. 2. Section 209 is added to the Code of Civil Procedure,
21 to read:

22 209. Any prospective trial juror who has been summoned for
23 service, and who fails to attend ~~upon~~ the court as directed or to
24 respond to the court or jury commissioner and to be excused from
25 attendance, may be attached and compelled to attend; ~~and,~~
26 ~~following.~~ *Following* an order to show cause hearing, the court
27 may find the prospective juror in contempt of court, punishable by
28 fine, incarceration, or both, as otherwise provided by law.

29 This section shall become operative on January 1, 2007.

